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SAN JUAN, PR

Appendix I

(Substitute for
H.B. 4111)

(No. 173)

(Approved December 3, 2007)

AN ACT

To increase by two hundred (200) dollars the salary of the members of the Puerto Rico Police at the time of the approval of this Act; and for other purposes.

STATEMENT OF MOTIVES

The members of the Puerto Rico Police have among their great responsibilities protecting persons and property, maintaining public order, watching over and ensuring the most absolute protection of the civil rights of the citizenry, preventing, discovering, investigating and prosecuting crime, in addition to compelling obedience to the law and municipal ordinances. These responsibilities are carried out faithfully by an excellent team of police officers who each day assume the risks and difficulties of their occupation with great valor and sense of duty. Through this legislation, it is intended to do financial justice to those courageous men and women who, with vocation and effort devote their lives to protect the lives and properties of all the residents of this Island. It is known that a public servant who is granted financial justice will do his/her work with better a disposition. For the sake of promoting social and financial justice to law enforcement agents, it is imperious to provide an incentive of two hundred dollars (\$200.00) monthly to the members of the Puerto Rico Police and to all the members of the rank system of the Puerto Rico Police.

This Legislature filed H.B. 1 on January 1, 2005, proposing a raise in salary to the members of the Puerto Rico Police. Unfortunately, the Office of the Management and Budget issued a negative certification, reason for which the approval of the measure was not achieved.

It is with pleasure and joy that this legislative piece is introduced, which shall to a great extent do justice to these devoted public servants.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- A salary increase of two hundred (200) dollars each month is granted to the members of the Puerto Rico Police, that is, to the Police Officer or Agent and to all the members of the Rank System of the Puerto Rico Police. During the 2007-2008 fiscal year, a one hundred dollar raise shall be granted as of January 1, 2008 and the second one hundred (100) dollar raise shall take effect on January 1, 2009. Provided that the term "member of the Police" shall respond to the definition established in Section two (2) of Act No. 53 of June 10, 1996, as amended, known as the "Puerto Rico Police Act."

Section 2.- For the purpose of complying with this Act, the Secretary of the Department of the Treasury of Puerto Rico is hereby authorized to set aside and satisfy from the operating budget appropriated to the Puerto Rico Police in the General Budget of the Government of the Commonwealth of Puerto Rico, the resources needed to satisfy the appropriation referred to in Section 1 of this Act for the 2007-2008 fiscal year. The annual impact of both raises shall be consigned in the Annual Budget of Expenses of the Government of the Commonwealth of Puerto Rico for the 2008-2009 fiscal year and subsequent years.

Section 3.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 173 (Substitute for H.B. 4111) of the 4th Special Session of the 15th Legislature of Puerto Rico:

AN ACT to increase by two hundred (200) dollars the salary of the members of the Puerto Rico Police at the time of the approval of this Act; and for other purposes,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 29th of February of 2008.

Francisco J. Domenech
Director

(S. B. 2320)

(No. 128)

(Approved July 23, 2008)

AN ACT

To direct the Superintendent of the Puerto Rico Police to take the necessary steps for the holding of a referendum among members of the Police Corps for them to decide whether service in positions covered by the Commonwealth Retirement System shall be excluded or included in the agreement between the Secretary of Health and of Social Services of the United States and the Government of the Commonwealth of Puerto Rico to extend the benefits of the Federal Social Security System to the members of the Puerto Rico Police; to create a Referendum Commission and establish its duties and obligations.

STATEMENT OF MOTIVES

Through Section 107 of Act No. 734 of August 28, 1950, the 81st Congress of the United States authorized public employees of the Commonwealth of Puerto Rico to participate in the Federal Social Security System. A referendum among Puerto Rican public employees was held for this purpose. The vast majority of the employees voted in favor of participating in this Retirement System. However, some public employees among which are policemen, firefighters, and teachers, refrained from participating in the Federal Social Security.

Several organizations that represent the members of the Puerto Rico Police have requested that these public employees be given another opportunity to vote for participation in the Federal Social Security System. This claim arises from the interest of these public officers in contributing to a program that can help to cover financial needs that may arise upon their

retirement. Act No. 135 of June 18, 1999 granted to the members of the Puerto Rico Police the opportunity to hold a referendum regarding their participation in the Federal Social Security System. Prior to said referendum, little orientation was provided for the police officers who participated in the same.

In the last referendum held on this issue, on March of 2006, the majority of the members of the Police voted for the participation in this System, however, they did not meet the minimum number required by Act No. 75 of August 25, 2005.

The Legislature has received a new request to enable voting on the possibility of the participation of police officers in the Federal Social Security System. This is deemed to be a fair claim thus the holding of a referendum among the members of the Police is directed through this measure.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1. – The Superintendent of the Puerto Rico Police is hereby directed to take the necessary steps for the holding of a referendum among members of the Police Corps to decide whether service in positions covered by the Commonwealth Retirement System shall be excluded or included in the agreement between the Secretary of Health and of Social Services of the United States and the Government of the Commonwealth of Puerto Rico to extend the benefits of the Federal Social Security System to the members of the Puerto Rico Police.

Section 2. – The Referendum shall be held pursuant to the provisions of this Act and to those of Section 218 of Chapter 531 of Title II of Federal Social Security Act No. 271 of August 14, 1935, as amended, which regulates voluntary agreements between the Social Security Commissioner

and State governments for the purpose of extending the benefits provided by the Federal Social Security System to the public employees of Puerto Rico.

Section 3. – Referendum Commission

a) To comply with the objectives stated in this Act, within thirty (30) days after the effectiveness of this Act, the Police Superintendent shall appoint a Referendum Commission composed of one Chairperson, who shall be the Police Superintendent, one representative of each of the following organizations; Puerto Rico Police Federation, United Organized Police Front, Puerto Rico Police Members Association, the National Council of Police Officers; the Association of Organized Police Officers; the Organized Police Officers Corps; the Organization of Police Officers in Action; the Police Department Management Employees Union; the United Puerto Rican Police Officers; the Puerto Rican Police Officers Syndicate; Organized Civilian Employees; a Police officer, an unaffiliated member of the Police who does not have officer's rank, a Police Academy Cadet, and a representative of the Federal Social Security.

The Police Superintendent, as Chairperson of the Referendum Commission shall have the authority to summon those officials from government agencies who may be linked to or whose agencies may be impacted by the results of the referendum and who may contribute with their expertise to the orientation process for the members of the Police Corps to the Commission meetings.

The Police Superintendent is hereby authorized to delegate his/her functions as Chairperson of the Referendum Commission on a representative of his/her choosing from the Police Corps.

- b) The Referendum Commission shall be responsible for orienting all the members of the Police of the reasons for and the consequences of the Referendum. To comply with the said responsibility, the Commission shall take the necessary steps to publish information material and hold at least two (2) forums per police district in which the pros and cons of the inclusion shall be discussed. The Referendum Commission shall establish the criteria to participate and shall adopt those mechanisms, regulations, ballots and procedures that it deems are needed for the consultation and the canvassing of ballots.
- c) Upon the appointment of the members of the Referendum Commission, the Police Superintendent shall provide it with an updated list that includes the name, address and badge number of all the members of the Puerto Rico Police.
- d) Within thirty (30) days after its constitution, the Referendum Commission shall publish a notice on the holding and purposes of the Referendum. Said notice shall be published at least two (2) times in two (2) newspapers of general circulation in Puerto Rico and shall also appear in the web page or internet site of the Puerto Rico Police.
- e) Within ninety (90) days after its constitution, the Referendum Commission shall proceed to consult the members of the Police Corps through Referendum, in order for them to decide whether services in positions covered by the Commonwealth Retirement System shall be excluded or included in the agreement between the Secretary of Health and of Social Services of the United States and the Government of the Commonwealth of Puerto Rico, in order to extend Federal Social Security benefits to the members of the Puerto Rico Police.

f) The Referendum voting process shall be conducted in each Police Station throughout Puerto Rico, and shall last the twenty-four (24) hours of the day fixed for voting. After the votes are cast, the Referendum Commission shall inform the results to the members of the Police within a term of thirty (30) days after the canvassing has concluded.

Section 4. – If the majority of the members of the Puerto Rico Police vote in favor of the participation in the Federal Social Security System, the Police Superintendent shall handle the inclusion of the members of the Puerto Rico Police in said System, immediately after the results of the Referendum are known. For the purposes of this Act, the affirmative vote of the majority required for the referred voting shall be fifty (50) percent plus one (1) of the eligible members of the Police, pursuant to the provisions of Section 2 of this Act.

Should the results of said referendum be against participation in the Federal Social Security System, the Police Superintendent may hold additional referendums, pursuant to the parameters set forth in this Act, provided that a minimum of three (3) years has elapsed between each consultation.

Section 5. – This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 128 (S.B. 2320) of the 7th Session of the 15th Legislature of Puerto Rico:

AN ACT to direct the Superintendent of the Puerto Rico Police to take the necessary steps for the holding of a referendum among members of the Police Corps for them to decide whether service in positions covered by the Commonwealth Retirement System shall be excluded or included in the agreement between the Secretary of Health and of Social Services of the United States and the Government of the Commonwealth of Puerto Rico to extend the benefits of the Federal Social Security System to the members of the Puerto Rico Police; to create a Referendum Commission and establish its duties and obligations,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 30th of January of 2009.

Kevin Miguel Rivera-Medina, Esq.
Deputy Director